THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NO.27558 of 1995

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Date: 21-09-2005

Between:

1. Kandikonda Lakshma Reddy and others **.. Petitioners**

a n d

1. The District Collector, Krishna District at Machilipatnam and others
..Respondents

AND

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WRIT PETITION NO. 1099 of 1996

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Date: 21-09-2005

Between:

1. Alavala Narayana Reddy and others **..Petitioners**

a n d

1. The District Collector, Krishna District at Machilipatnam and others
..Respondents

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THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NOS.27558 OF 1995 AND 1099 OF 1996

COMMON ORAL ORDER:

These two petitions are filed questioning the draft notification under Section 4(1) of the Land Acquisition Act, 1894 (the Act), proposing to acquire the land in S.Nos.107/1 and 107/2 of Anumalanka Village of Gampalagudem Mandal, Krishna District, for providing house sites to Harijans, on various grounds.

2. On my directions, the learned Assistant Government Pleader produced the relevant file. From the file it is seen that inasmuch as the earlier notification proposing to acquire the said land impugned in these petitions has lapsed, a proposal was set up for issuance of a fresh notification and the same was approved. Thus, it is clear that the proposal to acquire the land, in the notification impugned in these petitions had already lapsed, as no further proceedings were taken in pursuance thereof. Here it may be stated that while admitting the W.P.No.27558 of 1995 on

08-12-1995, the learned Judge specifically ordered in W.P.M.P.No.34020 of 1995 that the stay is only with respect to dispossession and that other proceedings may go on and so there was no impediment to proceed further and yet draft declaration under Section 6 was not published.

3. Since the notification impugned lapsed, these petitions became infructuous and hence these petitions are dismissed as infructuous. No costs.

4. It is needless to mention that as and when a fresh notification is published, petitioners are always at liberty to take recourse to the remedies open to them if they feel aggrieved by the same.

(C.Y.Somayajulu, J.)

Date: 21-09-2005

Cvrk